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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC PRIORITY 9222
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 2138
RUEHNE/AMEMBASSY NEW DELHI 5612
RUEHUL/AMEMBASSY SEOUL 9208
RUEHKO/AMEMBASSY TOKYO 6786
RUEAIIA/CIA WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4593
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2587
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000430

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 07/10/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA: FINAL DEFENSE WITNESS TESTIFIES IN AUNG SAN
SUU KYI TRIAL

REF: RANGOON 411 AND PREVIOUS

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

SUBSTANTIVE TRIAL SESSIONS RESUME, FOCUS ON VALIDITY OF
CONSTITUTION

11. (C) Substantive testimony in the trial of Aung San Suu Kyi (ASSK) and Amcit John Yettaw resumed July 10 after over a month of legal proceedings regarding the admissibility of defense witnesses. Defense witness Daw Khin Mot Mot, who was initially excluded but later reinstated on appeal, took the stand July 10, telling the court that in the twenty years she's known ASSK, ASSK has never broken the law. Daw Khin Mot Mot, a lawyer, focused the remainder of her five-hour testimony on the validity of the 1974 Constitution, which forms the basis for the regime's justification of ASSK's detention. Prosecutors contended that the 2008 Constitution is not yet in effect. The defense countered that the Prime Minister has said the 2008 Constitution is de facto in use, which would make the 1974 charter invalid. The trial is scheduled to resume July 24 with closing arguments.

ASSK, YETTAW IN GOOD SPIRITS

12. (C) Consul attended the July 10 court session and observed that both ASSK and Yettaw appear healthy and in good spirits. Yettaw confirmed to Consul that he is eating. In an unusual move, prison officials on July 9 allowed Yettaw to send us a fax with messages to pass along to his family. Consul passed the messages to Yettaw's wife. We are seeking consular access to Yettaw as soon as possible; the last consular visit was June 27.

ASSK, LAWYERS MEET: NO COMMENT ON UN SYG VISIT

13. (C) NLD spokesman Nyan Win confirmed that he and two other lawyers met with ASSK for two hours on July 8 to discuss final arguments in her case. Nyan Win briefed ASSK on the SYG Ban visit, including the latter's requests to meet with her. According to Nyan Win, ASSK had no comment.
DINGER